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C O N F I D E N T I A L SECTION 01 OF 04 AMMAN 001533

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SUBJECT: DEBATE OVER PUBLIC GATHERINGS LAW BALANCES CONTROL  
AND CIVIL LIBERTIES

REF: A. AMMAN 1465

[1](#)B. AMMAN 255

[1](#)C. HUMAN RIGHTS WATCH - "SHUTTING OUT THE CRITICS"  
(2008)

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Classified By: Ambassador David Hale  
for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Jordan's government is working on a new public gatherings law which will replace the much-criticized statute now in force. As the system currently operates, requests for demonstrations and public meetings must be approved by the regional governor. The criteria by which those requests are approved or denied are vague, likely by design. Many governmental officials assert that a restrictive public gatherings law is needed to maintain stability and order. Civil society and political parties argue that systemic abuses are rampant, and put a damper on legitimate public debate. In the end, the compromise solution may be to revert to an earlier statute. Regardless of the outcome, the debate on the public gatherings law looks set to continue for some time to come. End Summary.

#### The Debate Over Public Gatherings

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[1](#)2. (SBU) In January, the government of Prime Minister Nader Dahabi withdrew draft laws on associations and public gatherings from the parliamentary agenda (Refs A and B). These laws had been prepared and submitted by the previous government of Ma'arouf Al-Bakhit. While the two statutes had not yet been widely circulated, they were already being criticized for their imposition of further restrictions on political activity in Jordan. The PM declared that the laws would be re-drafted in a form that seeks to broaden rather than limit political space in the country. Media reports and other contacts are now indicating that the revised law will come before the parliament during its summer extraordinary session.

[1](#)3. (C) The current public gatherings law was enacted as a provisional statute in 2001 - a step that allowed the government to implement it without parliamentary approval. It was later ratified by parliament in 2004. The key provision at issue in the law is the requirement that groups obtain permission from the governor for any public or private meeting. This allows the Interior Ministry (which appoints all governors in Jordan) to deny permission for demonstrations that threaten public order, but it has also been used to quash smaller, private gatherings on topics deemed sensitive by the government.

[1](#)4. (SBU) The law is a frequent source of discontent in the media and among post contacts. While government contacts assert that the majority of meeting and demonstration requests are approved, the denials often receive extensive

media coverage. Recent highly publicized examples of the use of this power include the cancellation of a seminar on economic issues held by the Al-Urdun Al-Jadid ("New Jordan") Research Center, the denial of permission for members of the Islamic Action Front (IAF) to hold a demonstration on the sixtieth anniversary of Israel's founding, and the quashing of an IAF demonstration in support of the Muslim Brotherhood in Egypt. A recent Human Rights Watch report (Ref C) declared that the public gatherings law gave officials "unchecked authority" that violates Jordan's commitments under the International Covenant on Civil and Political Rights. In response to an April 12 denial by Amman's governor of a demonstration request, the IAF's parliamentary whip Hamza Mansour sent a letter to PM Dahabi which stated that, "the public gatherings law has become a sword directed against peaceful political action and charitable work - administrative rulers (i.e., governors) are playing the role of military courts."

#### The System

15. (C) In a meeting with poloff, Governor of Amman Sa'ed Al-Manaseer said that he generally considers four factors when making a decision about whether or not to grant permission for a public gathering. First and foremost, he considers the policy angle. Demonstrations which touch on sensitive domestic topics such as the Palestinian-East Bank split or anything regarding Jordan's foreign affairs are usually turned down. Manaseer also delineated the clearly untouchable subjects: demonstrations with even a whiff of opposition to the state apparatus, the King, or national symbols are dead on arrival. Note: During a recent IAF-organized demonstration, a young marcher was arrested for allegedly insulting Jordan's flag - an incident that was

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clearly still on Manaseer's mind. End Note. The governor has also recently denied requests for meetings about the rising cost of living and economic policy.

16. (C) Security is the second consideration. Manaseer consults with Jordan's security services about the personalities involved, and evaluates the organizers' past behavior when it comes to challenging public order. He commented that Islamists have frequently pulled a bait-and-switch technique where they submit a demonstration request through one of their proxies - a professional association or allied political party - and then effectively run the demonstration themselves. Because of this, the Interior Ministry and the governors often pay careful attention to make sure that the requester is not in fact a Trojan horse for some other cause or group. Holding demonstrations in a secure, manageable space is also part of the security equation. Manaseer has consistently denied IAF requests to hold demonstrations in front of foreign embassies. Nasser Ramadin, an official in the Interior Ministry, told poloffs that ever since the 2005 hotel bombings, all political meetings in hotel facilities have been effectively banned for security reasons.

17. (C) Economics is the third consideration. If demonstrations are held in a high-traffic area with many businesses, the governor will weigh the cost of the gathering on local merchants. Finally, the governor considers the factor of timing. Manaseer wearily said that parties and professional associations often pursue a shotgun approach, submitting requests for a week's worth of protests, or protests every weekend for two months. Often through direct contact with the requesters, Manaseer will attempt to talk them down to one medium-sized protest instead of a series of smaller demonstrations so as to minimize the organizational impact on his office and the security services.

18. (C) While all of these criteria appear to be clear in the minds of government interlocutors, they are not codified in

any statute or regulation. This ambiguity allows governors - most commonly Manaseer, given the centrality of Amman politically and demographically - the leeway to deny permission for public gatherings without citing concrete reasons. It also protects them from legal challenges; potential demonstrators cannot contest an unwritten rule.

Thesis: Freedom Isn't Free

19. (C) The position of government interlocutors is clear: a restrictive public gatherings law is necessary to maintain Jordan's hard-won stability. Officials who are responsible for implementing the law consistently point out that any devolution of power or control will be exploited by anti-government forces in general, and the Islamists in particular. Pointing out that Jordan is a "special case" due to its location at the conflux of various regional conflicts, Jordan's governmental and security establishment believes that the public interest in stability necessitates a public gatherings law that is weighted towards control rather than expanded freedoms. Comment: This widespread sentiment, however, is in direct opposition to the government-endorsed National Agenda, which says, "it is essential to revisit the Public Association Law and abolish prior approval to hold public gatherings, while recognizing the executive authority's right to ensure peace and security." End Comment.

10. (C) Rajai Dajani, a former Interior Minister, said of the permission regime, "they won't change this. At most, there will be slight modifications here and there. You can't just leave things loose. You can't let people just get together for demonstrations. But there is a limit to control." Samir Habashneh, also a former Interior Minister, points out that the vast majority of public demonstrations and gatherings are approved. He believes that the controversy over denied meetings is a manufactured overreaction to a small number of incidents. Even so, Habashneh indicates that political rather than public security considerations lie at the heart of the public gatherings law. The lack of clear red lines is deliberate and necessary, in his view; it allows the government to quash demonstrations on sensitive issues such as the Palestinian-East Bank divide, the role of Islam in society, or even economic concerns. Habashneh asserts that the various governors are not acting on their own when they deny permission for a public demonstration or meeting. He asserts that those orders come directly from the Interior Ministry, which is part and parcel of a larger political strategy to frame societal debate on key issues.

Antithesis: Stability At What Cost?

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11. (C) Hani Hourani, the director of the Al-Urdun Al-Jadid Research Center, knows the ins and outs of the permission regime very well - his organization was denied permission to hold meetings and conferences four times in the past year. He believes that the public gatherings law is "embarrassing" for Jordan, and contrary to the King's progressive vision. He sees the point of those who point out the need for control, but stresses that the current law has no working definition of "threat to public safety" - a loophole that allows for greater flexibility, but at the cost of predictability and a solid standard which can be consistently applied.

12. (C) Hourani gives the example of his sixteen year-old daughter, who was organizing a fashion show fundraiser through her high school at a local hotel. The day before the event, the hotel management insisted that she get approval from the governor so the hotel could satisfy the bureaucratic needs of the security services. Despite a day of filling out paperwork, rushing from office to office, and even using her

father's high-level connections, the effort failed and the fashion show was moved to the school grounds (which fall under a different statute). "This is the first experience in dealing with the government for my daughter. Her first lesson is that you can't do anything without permission," Hourani says with an ironic smirk.

¶13. (C) As a political party leader associated with the IAF-dominated Higher Coordinating Council of National Opposition Parties, Mohammed Al-Qaq of the National Movement for Direct Democracy is also familiar with the permission regime in Jordan. When the IAF and other political parties attempted to organize a massive demonstration on the occasion of Israel's sixtieth anniversary, the move was blocked by the governor. A separate, smaller demonstration was later approved, in which Qaq spoke in lieu of IAF leaders. Qaq sees protests as necessary for the people and their politicians to blow off steam, and therefore in the interests of the Jordanian government to approve. He also asserts that without public displays, Jordanian political parties have few options for mass outreach. "We want to take our cause to the people," he says.

¶14. (C) Comment: While political parties and civil society activists are quick to point out the restrictions that the law places on legitimate public debate, they also tend to agree that there are real political and social reasons for restriction of that debate. More often than not, non-governmental actors tout the necessity of their own speech for the advancement of freedom in Jordan, while discounting that of their political rivals as "dangerous" to the regime. End Comment.

Synthesis: Back To The Future?  
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¶15. (C) MP Mahmoud Kharabsheh, a lawyer and former colonel with the General Intelligence Directorate (GID), believes that the new law must strike a balance between control and pragmatism. "I want a system that doesn't drive organizations underground," he explains. Kharabsheh believes that the current law "violates the spirit of the constitution." He advocates a return to the previous public gatherings law, originally enacted in 1952. Kharabsheh thinks that a return to the original law would allow the government to save face while re-instating civil liberties. "That law was better - it was a good compromise," he explains. While the negotiations on the content of the law continue, post contacts in civil society tell us that the 1952 law is currently serving as the jumping off point for discussions on the direction of the new law. Note: Human Rights Watch acknowledged the superiority of the 1952 law as well, saying that it was "relatively permissive" when compared with the current statute. End Note.

Negotiations Continue  
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¶16. (C) The combination of international pressure from human rights groups, criticism in the Jordanian media, and behind the scenes advocacy by the Ambassador helped to torpedo the more restrictive statute that was withdrawn in January. Similarly, Interior Ministry official Nasser Ramadin clearly indicated to us that the potential for international, and in particular USG, criticism was playing a part in the new law's formulation. He acknowledged that the MCC process had recently caused the ministry to shorten the wait time on demonstration requests from three days to twenty-four hours, and create an "opt out" system whereby permission for

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meetings was automatically granted if the governor failed to reply in the designated timeframe.

¶17. (C) Mohammed Alawneh, head of the Legislative and Opinion Bureau of the Prime Ministry (which is responsible

for writing all of Jordan's laws), said that unlike the law on associations, the public gatherings law had to be "totally redone." Despite earlier predictions that the delicate negotiations surrounding the statute would take some time, the government is now indicating that it will introduce the law during parliament's extraordinary session in June. Even so, contacts in Jordan's civil society community say that the law is still unwritten, and that the government is still in the initial stages of soliciting feedback. In the absence of a clear road towards compromise within Jordan's government, it is possible that the law could be pushed into parliament's normal session in the fall.

Hale